

redemption of a portion of the particular issue of bonds out of which such balances have arisen: The prohibition above noted against the use of the proceeds of bonds for any other purpose than that for which the bonds were issued, leaves no course open except use for sinking fund purposes. Since redemption of the bonds in question constitutes a sinking fund purpose, no reason is perceived why such use may not be made, provided of course that the holders of the bonds agree to their redemption before maturity,—for it is to be presumed that the option was not reserved to the district by the terms of the bonds for redemption before maturity. It may be added that the township district might accomplish practically the same thing as such redemption before maturity, by decreasing its sinking fund levy for the time being, to the extent of the eleven thousand dollars on hand for sinking fund purposes.

Respectfully,

JOHN G. PRICE,
Attorney-General.

1536.

COUNTY SURVEYOR — SALARY—HOW REIMBURSED BY STATE
WHERE SURVEYOR HAS CHARGE OF HIGHWAYS, BRIDGES AND
CULVERTS OF HIS COUNTY UNDER CONTROL OF STATE.

In reimbursing the county in an amount equal to one-fifth of county surveyor's salary, when the county surveyor has charge of the highways, bridges and culverts of his county under control of the state, as provided by section 7182 G. C., the State Highway Commissioner is not required to make reimbursement monthly, but may fix such periods for reimbursement as he in the exercise of sound discretion with regard to the public interest may find reasonable. Periods of six months not as a matter of law unreasonable.

COLUMBUS, OHIO, August 30, 1920.

HON. A. R. TAYLOR, *State Highway Commissioner, Columbus, Ohio.*

DEAR SIR:—Receipt is acknowledged of your letter of recent date reading:

“Section 7182 of the General Code provides that when a county surveyor has charge of the highways, bridges and culverts of his county under the control of the state, an amount equal to one-fifth of his salary shall be paid by the state to the county upon warrants issued therefor by the auditor of state against the State Highway Improvement fund upon the requisition of the state highway commission.

I desire to know whether or not it is necessary to issue vouchers monthly, or it would be sufficient to issue vouchers semi-annually or annually. Issuing vouchers monthly makes it necessary to write 88 vouchers per month. By issuing them semi-annually, 88 vouchers would suffice for the six months.

Inasmuch as the surveyor draws his salary from the county in full and the state recompenses the county for one-fifth of the county surveyor's salary, it occurs to me that owing to the amount of labor saved in drawing vouchers, that payments at least once each six months would be sufficient.”

Said section 7182 reads in full:

"The county surveyor shall have charge of all highways, bridges and culverts within his county under control of the state, unless another engineer be appointed for that purpose by the state highway commissioner in the manner hereinafter provided. When the county surveyor has charge of the highways, bridges and culverts of his county under control of the state an amount equal to one-fifth of his salary shall be paid by the state to the county upon warrants issued therefor by the auditor of state against the state highway improvement fund upon the requisition of the state highway commissioner. If an engineer other than the county surveyor be appointed by the state highway commissioner to have charge of the highways, bridges and culverts within any county and under the control of the state, the salary provided by law for the surveyor of such county shall be decreased by an amount equal to one-fifth thereof, and the salary of the county surveyor of such county shall so long as he does not have charge of the highways, bridges and culverts within his county and under the control of the state, be four-fifths of the amount otherwise provided by law. In any county in which an engineer other than the county surveyor has been appointed to have charge of the highways, bridges and culverts within such county and under control of the state the state highway commissioner may at any time when he deems it for the best interests of the public, remove such other engineer and designate either the county surveyor of such county or some other engineer to have charge of such highways, bridges and culverts under the control of the state. The county surveyor shall perform such duties in reference to the highways, bridges and culverts of his county, under the control of the state, as may be prescribed by law or by the state highway commissioner."

It is to be noted that said section does not in itself contain any indication of the periods at which payment is to be made by the state to the county. However, section 7181 relating to the salary of county surveyor provides among other things:

"Such salary shall be paid monthly out of the general county fund upon the warrant of the county auditor,"

and the question naturally arises whether this provision by implication requires monthly reimbursement of the county by the state for the one-fifth of the salary borne by the state.

In the opinion of this department, the answer to the question just suggested is in the negative. The relations of the state in the matter of part of the surveyor's salary are not with the surveyor, but with the county,—the county is to be reimbursed. Since in the matter of this reimbursement, there is no express direction as to time, as compared with an express direction to the county to make monthly payments to the surveyor, the conclusion follows that reimbursement of the county is to be made at such intervals as the state highway commissioner may in his sound discretion, with due regard to the general public interest, find to be reasonable.

The tenor of your letter indicates that reimbursement is being or proposed to be made each six months; and in view of the related facts as set out in your letter, it cannot be said as a matter of law that such interval is unreasonable.

Respectfully,
JOHN G. PRICE,
Attorney-General.